

Independent Claim 54

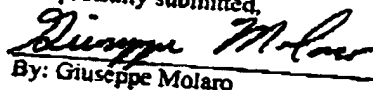
Newly added independent claim 54 recites, *inter alia*, an implant comprising a first cortical end cap having a top surface for engaging a vertebral body, a bottom surface, a height dimension extending between the top surface and the bottom surface and at least one recess disposed therein; a second cortical end cap having a top surface for engaging a vertebral body, a bottom surface, a height dimension extending between the top surface and the bottom surface and at least one recess disposed therein; a cancellous body having a first end for engaging the bottom surface of the first cortical end cap, a second end for engaging the bottom surface of the second cortical end cap, and at least one through-hole extending therebetween; at least one cortical strut disposed in the at least one through hole formed in the body and in the at least one recess formed in the first and second end caps; wherein the first and second ends of the cancellous body do not engage the vertebral body; and wherein at least one of the recesses formed in either of the first or second end cap has a depth less than the height of the end cap so that the recess does not extend completely through the end cap.

It is respectfully submitted that for at least the reasons previously described in connection with independent claims 25 and 41, Anderson does not disclose, teach, or suggest all of the limitations of independent claim 54. It is respectfully submitted that independent claim 54 is allowable over the cited prior art. Allowance of independent claim 54 is respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 25, 27, 29-32, and 34-54 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-326-7883, if a telephone call could help resolve any remaining issues.

Date: September 21, 2004

Respectfully submitted,



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